

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LETICIA VICTORIA PELAEZ,

Plaintiff,

v.
MCT GROUP, INC.,

Defendant.

Case No. 2:10-CV-00733-KJD-VCF

ORDER

Before the Court is Plaintiff Leticia Victoria Pelaez's Motion for Voluntary Dismissal (#30). No opposition has been filed.

The parties in this matter have reached a settlement. On August 26, 2011, Defendants paid Plaintiff pursuant to the agreed settlement. Plaintiff's counsel prepared a stipulation and order for dismissal with prejudice, but have been unsuccessful in obtaining a signature from Defendant. Apparently Defendant's local counsel Stephenson & Dickinson, P.C. and its California counsel, Carlson and Messer, LLP, have had a "falling out." Local counsel has filed a motion to withdraw from the case.

1 Fed. R. Civ. P. 41(a)(2) provides for dismissal by order of the Court and states:

2 (2) Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's
3 request only by court order, on terms that the court considers proper. If a defendant
4 has pleaded a counterclaim before being served with the plaintiff's motion to dismiss,
the action may be dismissed over the defendant's objection only if the counterclaim
can remain pending for independent adjudication. Unless the order states otherwise, a
dismissal under this paragraph (2) is without prejudice.

5 This matter has settled and all parties have fully performed under the agreement. Because the parties
6 would have stipulated to dismissal, and there is no controversy between the parties, dismissal is
7 proper.

8 Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Motion for Voluntary Dismissal is
9 **GRANTED.**

10 **IT IS FURTHER ORDERED** that this action is **DISMISSED** with prejudice.

11 DATED this 16th day of April 2012.



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16 Kent J. Dawson
17 United States District Judge
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